

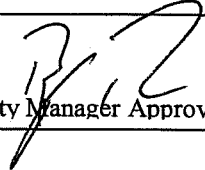


Report to the Auburn City Council

Action Item

Agenda Item No.

2


 City Manager Approval

To: Mayor and City Council Members
From: Bernie Schroeder, Director of Public Works *BS*
By: Evan Hasse, Engineering Technician *EH*
Date: November 25, 2013
Subject: Safe Routes to School & CMAQ Program Supplement Agreement – Palm Avenue Sidewalk Project

The Issue

Shall the City of Auburn authorize the Director of Public Works to execute the Program Supplement Agreement with the Department of Transportation for the Safe Routes to School – Palm Avenue Sidewalk Project?

Conclusion and Recommendation

Staff recommends that City Council, **BY RESOLUTION**, authorize the Director of Public Works to execute Program Supplement Agreement No. 008-N1 to Administering Agency-State Agreement No. 03-5077R in the amount of \$883,612 for the Safe Routes to School – Palm Avenue Sidewalk Project.

Background

The City of Auburn through the Placer County Transportation Planning Agency received its fair share of the Regional Surface Transportation (RSTP) Funding. The City obligated the federal funds for the Safe Routes to School – Palm Avenue Sidewalk Project and Program Supplement Agreement will allow the City to proceed with construction of the project. The Program Supplement includes funding for the construction phase of the project in the amount of \$883,612. The local match is \$736,098. The local match will be funded by the Highway 49 Traffic Mitigation Fund and the Local Transportation Fund. The total project cost is estimated to be \$1,619,710.

Alternatives Available to Council; Implications of Alternatives

1. Accept Staff Recommendation
2. Take no action.

Fiscal Impact

The approved FY 2013/14 Budget incorporates the Palm Avenue Sidewalk Project as a Capital Project in the Transportation Budget (Fund 26). To fully fund the Palm Avenue Sidewalk Project staff is requesting a budget amendment to appropriate an additional \$100,000 in Highway 49 Mitigation Funds and \$175,631 from the Local Transportation Fund. To maintain a balanced budget in the Transportation Fund; the Annual Road Overlay Project will be decreased by \$175,631 to allow for the budget adjustment for the Palm Avenue Sidewalk Project.

The total project costs for the projects are as follows:

Construction Phase Consultant Costs	\$74,802
City of Auburn Staff Allocation (estimate)	\$50,000
<u>Construction Award</u>	<u>\$1,494,908</u>
Total	\$1,619,710

The majority of the funding for this phase of the project are federal funds that are administered by the State of California Department of Transportation under the Federal Safe Routes to School program as well as Congestion Mitigation Air Quality (CMAQ) funding. Following is a breakdown of the funding:

CMAQ – Congestion Mitigation Air Quality	\$102,033
Federal Safe Routes to School Program	\$781,579
Highway 49 Traffic Mitigation Fund	\$431,388
Reimbursement from PCWA	\$79,430
Local Transportation Fund	\$175,631
<u>Local Transportation Fund Bicycle & Pedestrian</u>	<u>\$49,649</u>
Total	\$1,619,710

*Attachments: Program Supplement No. 012-N to Administering Agency-State Agreement for Federal Aid Project
No. 03-5077R
Resolution*

PROGRAM SUPPLEMENT NO. N008 Rev. 1
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 03-5077R

Adv Project ID **Date:** October 14, 2013
0300000917 **Location:** 03-PLA-0-AUB
 Project Number: SRTSL-5077(013)
 E.A. Number: 03-928867
 Locode: 5077

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 01/17/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____
(See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

Along Palm Avenue between Nevada Street and Route 49.
SRTSL / Cycle 1

TYPE OF WORK: sidewalks, CL II bike lanes, rdwy improvements and flashing **LENGTH:** 0.0(MILES)
 beacons

Estimated Cost	Federal Funds		Matching Funds	
			LOCAL	OTHER
\$1,639,739.00	LU20	\$115,000.00	\$641,127.00	\$0.00
	LU2E	\$781,579.00		
	M400	\$102,033.00		

CITY OF AUBURN

STATE OF CALIFORNIA
Department of Transportation

By _____
Title _____
Date _____
Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer _____

Date 10/15/13 \$998,612.00

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SPECIAL COVENANTS OR REMARKS

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
2. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
3. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award or with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract, whichever is earlier.

Failure to do so will cause a delay in the State processing invoices for the construction phase.

Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work

SPECIAL COVENANTS OR REMARKS

Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

6. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

7. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
8. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

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RESOLUTION NO. 013-

RESOLUTION AUTHORIZING THE PROGRAM SUPPLEMENT AGREEMENT WITH
THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE
PALM AVENUE SIDEWALK PROJECT FUNDED BY THE SAFE ROUTES TO
SCHOOL PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY
PROGRAM.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby authorize the
Director of Public Works to execute Program Supplement No. 03-5077R for
Project Number SRTSL-5077(013) EA Number 03-928867, in the amount of
\$883,612 for the Palm Avenue Sidewalk Project.

A true and correct copy of said Program Supplement is attached hereto as
Exhibit "A."

DATED: November 25, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify
that the foregoing resolution was duly passed at a regular session meeting of
the City Council of the City of Auburn held on the 25th day of November 2013
by the following vote on roll call:

Ayes:
Noes:
Absent:

Stephanie L. Snyder, City Clerk